HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23102 of 2006

Dated:29.12.2006

Between:

Kashinathrao.

…Petitioner

and

The District Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23102 of 2006

ORDER:

The petitioner is statedly the owner of land admeasuring Ac.0.35 guntas in Survey No.39/1-AA and land admeasuring Acs.2.16 guntas in Survey No.39/2-E situated at Anthargaon Village of Kalher Mandal in Medak District. He alleges that prior to 1992 an extent of land admeasuring Acs.5.11 guntas in Survey No.39 was acquired for providing house sites to weaker sections and compensation was paid to the petitioner leaving a balance of Ac.0.35 guntas. He alleges that the second respondent is now issuing patta certificates to other beneficiaries belonging to Scheduled Caste without mentioning any survey number, and the fifth respondent is trying to mark out in the petitioner's patta land without acquiring the same under the Land Acquisition Act, 1894. Therefore, he filed the present Writ Petition seeking a writ of mandamus declaring the action of the respondents in occupying the petitioner's land without due process of law, as illegal and arbitrary. The petitioner also seeks a consequential direction to restrain the respondents from interfering with his possession.

At the stage of admission itself, the Mandal Revenue Officer, Kangti, filed a counter affidavit. In para 2 of the counter affidavit it is stated as under.

> In reply to para 2 it is respectfully submitted that it is denied that the respondents occupied the land Sy.No.39/1AA

to the extent of Ac.0.35 guntas and Sy.No.39/2E to the extent of Ac.2.16 guntas of Anthergaon Village, Kalher Mandal without following due process of law…

The Mandal Revenue Officer also denied that the respondents tried to issue pattas in respect of the land belonging to the petitioner in Survey Nos.39/1AA and 39/2E. The counter was served on 26.12.2006, and no reply affidavit is filed.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T), this Court is convinced that the Writ Petition is filed on a mere apprehension. When the respondents deny the allegation that there is an attempt to occupy the petitioner's land for providing house sites, no further enquiry is necessary. According to the respondents, some persons belonging to Scheduled Castes erected huts in the land of the petitioner, and therefore, the petitioner has to seek remedy in common law Court. No direction can be given to the respondents as prayed for.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

29.12.2006
vs